

## THIRD DIVISION

[ G. R. No. 138614, May 07, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
HECTOR BALDOSA, ACCUSED-APPELLANT.**

### D E C I S I O N

**VITUG, J.:**

Hector Baldosa, herein appellant, was indicted before the Regional Trial Court of Negros Oriental, Branch 34, Dumaguete City, for the crime of rape in an information that read:

"That on or about 8 July 1996, about 9:00 o'clock in the evening at sitio Pinak-an, Barangay Maloh, Siaton, Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Hector Baldosa by means of force, violence and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge of one Maria Fe B. Calabroso, against the latter's will."<sup>[1]</sup>

Upon his arraignment, the accused entered a plea of not guilty; the trial shortly thereafter commenced.

Maria Fe Calabroso testified that on the evening of 08 July 1996, around nine o'clock, she was alone in bed with her two-year old son when the sudden ramming of the door, made of spliced bamboo, of their house awakened her. When she turned her head towards the door, she saw the accused, Hector Baldosa, a first cousin of her husband Rene Calabroso, rush towards her armed with a bolo. The accused pressed the bolo against her throat and demanded money from her. When she told him that she had none to give, the accused threatened to kill her and her son. Shocked with fright, she disclosed where their hard-earned P6,000.00 was being kept. After taking the money, the accused turned to her, pointed the bolo at her neck, and ordered her to remove her underwear. She refused and begged him for mercy. Turning a deaf ear on her pleas, the accused pushed the child away and, finally, managed to force himself on her. The ensuing commotion agitated the chickens perched at a nearby tree causing the accused to panic and to jump out through the window, leaving his bolo behind. Regaining her strength and composure, Maria Fe carried her child and took the bolo left behind by the accused. She proceeded to the house of her brother-in-law Jimmy Calabroso to whom she narrated the incident. He immediately accompanied her to the house of her parents-in-law Alejandro and Concepcion Calabroso. The following day, she was accompanied by her mother-in-law first to the barangay captain and then to the police authorities to report the matter. She was brought to the Siaton District Hospital for medical examination. Alejandro Calabroso also tried to see the accused but the latter promptly ran away just as the old man was approaching him.

Jimmy Calabroso confirmed the testimony of Maria Fe that she came to see him on

the evening of 08 July 1996 to inform him that she was robbed and raped by the accused. Jimmy joined her in repairing to the house of his parents Alejandro and Concepcion Calabroso.

The accused, denying the rape charges levelled at him, contended that he and Maria Fe had been having a love affair since February of 1995, and that they would often meet at the Pinak-an River to engage in sex. At one time, his wife Merlyn Baldosa caught the lovers in an intimate embrace. Despite having been forgiven, he and Maria Fe continued with their illicit affair. On the morning of 08 July 1996, while he was fetching water from the river, Maria Fe told him to be at her house that evening. At around seven o'clock that night after they had just concluded another sexual encounter, and when they were about to do it again, her brother-in-law Jimmy Calabroso arrived. The accused panicked and hastily jumped out of the window. He asseverated that Maria Fe had filed the rape case against him, after the two were caught by Jimmy Calabroso in the act of lovemaking, because Maria Fe was afraid that, otherwise, her husband would harm her.

Merlyn Baldosa, the wife of the accused, corroborated the latter. She testified that she did catch her husband and Maria Fe in an intimate embrace at the Pinak-an River but she later forgave the two.

In its decision of 26 January 1995, the Regional Trial Court found the accused guilty of the crime with which he had been charged. The trial court adjudged:

"WHEREFORE, accused HECTOR BALDOSA, is hereby found guilty beyond reasonable doubt of the crime of Rape and the Court hereby imposes upon him the imprisonment penalty of RECLUSION PERPETUA. Accused shall also indemnify victim Maria Fe Calabroso the sum of FIFTY THOUSAND PESOS (P50,000.00). Accused must also restitute the victim an additional amount of SIX THOUSAND PESOS (P6,000.00) which he forcibly took from the victim."<sup>[2]</sup>

Feeling aggrieved by the decision, the convicted accused filed an appeal before this Court with a lone, but familiar and all-embracing, assignment of error; thus:

"The lower court erred in finding the accused guilty beyond reasonable doubt of the crime of rape defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act 7659."<sup>[3]</sup>

The Court, as usual in so large number of rape incidents appealed to it, has again proceeded with great caution in reviewing and going through the conflicting testimony of the witnesses in order to assure itself that the trial judge would not have missed or misappreciated a fact or circumstance of significance that can very well alter the final judgment on the case. Unfortunately for appellant, the Court has here found no cogent reason to ignore the findings of the trial court and to justify a departure from the well-settled doctrine that the credibility of witnesses is a matter really best addressed by the trial court because of its unique opportunity to observe the witnesses firsthand and to take note of their demeanor, conduct and attitude at the stand.<sup>[4]</sup>

Just to the contrary, the testimony of Maria Fe on the assault on her honor by appellant appears to be all too clear and convincing. Maria Fe has testified thusly:

"Q. Now, what were you doing in your house about 9:00 o'clock in the evening of July 8, 1996?

"A. I was sleeping.

"Q. How about your child?

"A. He was also sleeping, Ma'am.

"Q. While you and your son were sleeping, can you tell us whether there was an unusual incident that happened?

"A. There was.

"Q. What happened?

"A. That night while we were sleeping, somebody suddenly rammed at the door.

"Q. Did you know who rammed against your door?

"A. I do, Ma'am.

"Q. Please tell us who this person was.

"INTERPRETER:

Witness standing up and pointing to a person who identified himself as Hector Baldosa.

"PROSECUTOR ICAO:

"Q. Is this Hector Baldosa the same accused being charged now for Rape?

"A. Yes, Ma'am.

"Q. During the incident and before, have you known this Hector Baldosa?

"A. I do.

"Q. Why do you know him?

"A. I knew him because he is my husband's first cousin.

"Q. Kindly expound, why is this Hector Baldosa your husband's first cousin?

"A. His mother and my husband's father are siblings.

"Q. What is the name of Hector Baldosa's mother, if you know?

"A. I do not know.

"Q. And the mother of Hector Baldosa is the sister of?

"A. My father-in-law is a male.

"Q. Who is the sister of the mother of the accused, your mother-in-law or your father-in-law?

"A. My father-in-law and the mother of the accused.

"Q. Now, what happened after accused Hector Baldosa rammed against your door?

"A. He pointed a bolo at my throat while I was still lying down.

"Q. And then, what happened?

"A. And then he said, money.

"Q. What was your reply or reaction?

"A. I said, I have none.

"Q. And then, what happened?

"A. He said, if you will not hand over the money, I will kill you.

"Q. Then, what happened?

"A. Because of the fact that he was pointing a bolo at my throat, I was forced to reveal where I kept the money.

"Q. What do you mean that you were forced to disclose where your money was, what did you do?

"A. I was lying down and he was pointing a bolo at my throat.

"Q. And then, what happened?

"A. I told him that it was placed at the altar.

"Q. What was placed at the altar?

"A. The money.

"Q. And then, what happened?

"A. He got it Ma'am.

"Q. Did you see him get the money at the altar?

"A. I did, Ma'am, because while he was pointing the bolo by my chest, I was glancing or watching at him as he placed the money in his bag.

"Q. How far is this altar from the place where you were lying down with your child?

"A. It was near, by my feet.

"Q. At the altar, where was this money placed?

"A. On top.

"Q. And then, what happened?

"A. When the money was with him already and while I was still lying, he placed his arm against my neck and the bolo by my side.

"INTERPRETER:

Witness indicating the portion by her right neck.

"WITNESS:

And then he told me, if you will not agree to have sex with me, I will kill both of you and today will be your last day. He already included my son.

"PROSECUTOR ICAO: